

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v) CR. NO.: 2:06cr219-WKW
)
 PHILLIP FOY)

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

The defendant, PHILLIP FOY, by consent, appeared before me on December 18, 2006 pursuant to Fed. R. Crim. P. 11, and has entered a plea of guilty to Count(s) 1 of the Felony Indictment. After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, and pursuant to the authority of General Order 2:04mc3222, I have determined that the guilty plea was knowing and voluntary, and that the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. I, therefore, recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly. I further recommend that, if the plea is accepted and the defendant is adjudicated guilty, all pending deadlines be terminated and that all pending motions be denied as moot.

The parties are informed that failure to file written objections to this Report and Recommendation on or before the Friday following the beginning of the trial term or 13 days after the date of this order, whichever is earlier, shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Done this 21st day of December, 2006.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE